
1.0 INTRODUCTION

This Final Environmental Impact Statement (FEIS) is prepared for the River Valley Intermodal Facilities (RVIF) proposed for the Arkansas River Valley (ARV) in west-central Arkansas. The purpose of this FEIS is to announce the selection of a preferred alternative and to summarize the comments on the Supplemental Draft Environmental Impact Statement (SDEIS) provided during the comment period. The FEIS will also present new and updated information with regard to the proposed project and environment that have occurred since the October 2010 SDEIS public review. By preparing this FEIS, the Federal Highway Administration (FHWA) and the River Valley Regional Intermodal Facilities Authority (Authority) are providing the public, as well as state and federal review agencies, the opportunity to review and comment on the preferred alternative and the new information provided in this FEIS, in particular the Phase II Archaeology summary. This section of the FEIS reviews the history of the proposed project and the relevant issues presented in this document.

1.1 INTRODUCTION

The City of Russellville and Pope County established a multi-jurisdictional Intermodal Facilities Authority in Arkansas pursuant to the Intermodal Authority Act, Act 690 of 1997. The purpose of the Authority is to promote economic development and job creation in the ARV by serving existing industry and providing services necessary to attract new business and industry to the area. The specific mechanism the Authority proposed to use to promote economic development was to construct and operate a multi-modal transportation complex in the ARV.

A Notice of Availability (NOA) for the DEIS for the RVIF was published in the Federal Register on March 17, 2006. An NOA for the DEIS was published in a local newspaper, The Courier, on March 21, 2006. The DEIS public hearing was held in Russellville, Arkansas on April 20, 2006, with a comment period that ended on May 3, 2006. An SDEIS was prepared to describe changes, new information, and further developments on the project that resulted following the DEIS. An NOA for the SDEIS for the RVIF was published in The Courier on August 17, 2010. An NOA for the SDEIS was published in the Federal Register on August 20, 2010. The SDEIS public hearing was held in Russellville, Arkansas on September 16, 2010, with a comment period that ended on October 9, 2010. Comments received during the public comment period resulted in new information being gathered and added to the FEIS; specifically additional Phase II Archaeology testing was completed. The information contained in the DEIS and SDEIS is summarized in this FEIS. The DEIS and SDEIS and the associated technical reports are incorporated by reference rather than being restated. The DEIS and SDEIS should be referenced when reviewing the FEIS. The Executive Summary is provided to highlight important information and to provide a synopsis of the overall findings of the FEIS.

1.2 PROJECT BACKGROUND AND SCOPE

1.2.1 Background

As discussed in the DEIS and SDEIS, the ARV consists of six counties in central Arkansas: Conway, Johnson, Logan, Perry, Pope, and Yell. The proposed intermodal facilities would include:

- A slackwater harbor with direct access to the McClellan-Kerr Arkansas River Navigation System (MKARNS);
- Access to the national railway grid; and
- Roadway access to Interstate 40 (I-40).

The proposed intermodal facilities would be located in the ARV with direct access to the MKARNS via a slackwater harbor on the Arkansas River with dockside loading and unloading capabilities. The intermodal facilities would provide a connection to the Tulsa Port of Catoosa in eastern Oklahoma via the Arkansas and Verdigris Rivers and would provide a connection to the Mississippi River, thus allowing ready access to the United States (U.S.) inland waterway system.

Access to the national railway grid would be provided through the Class I Union Pacific Railroad (UPRR), and/or through the Class III short line Dardanelle Russellville Railroad (DRRR).

The intermodal facilities project would also provide access to Highway 247 which then provides direct access to I-40. Additional services at the intermodal facilities would include on-site rail/truck transfers, truck/water transfers, rail/water transfers, freight tracking, a foreign trade sub-zone, warehousing, distribution, consolidation, just-in-time inventory services, and material storage capabilities.

Currently, three public ports/terminals exist along the Arkansas portion of the MKARNS. These facilities are located in Pine Bluff, Little Rock, and Fort Smith, and one is being considered in Van Buren. There are no public port facilities within 30 miles of the project area. However, within this same 30 mile area three private docks exist, including: Pine Bluff Sand & Gravel, the Port of Dardanelle, and Oakley Port. None of these existing ports include a slackwater harbor.

1.2.2 Previous Studies

The U.S. Army Corps of Engineers (USACE) Little Rock District prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) in January 2000 for construction of a slackwater harbor along the MKARNS near Russellville. Three alternative locations for the slackwater harbor were evaluated in the USACE EA including sites at Arkansas River Mile (ARM) 197.7, ARM 199.3, and ARM 202.6.

Option 1, located at ARM 197.7, was considered due to the existing natural, channel-like features of the site. This alternative was not considered beyond initial investigations

since the location was determined to be situated in ecologically important wetlands, located near the Galla Creek State Wildlife Management Area, and would require extensive infrastructure development that would not be cost effective.

Option 2, located at ARM 199.3, was considered due to its proximity to future planned developments for the City of Russellville. This site was located entirely within the 100-year floodplain in a dike field area, which resulted in additional financial responsibilities for the City of Russellville, and did not show any additional environmental benefits over Option 3, the EA preferred alternative.

Option 3, the preferred alternative in the EA, was identified in the Russellville Bottoms area on the left descending bank in the Winthrop Rockefeller Lake pool of the MKARNS at ARM 202.6. Option 3 was located in a large borrow pit area adjacent to the MKARNS and was relatively close to an existing railway and highway. Option 3 was determined to have the least environmental impact and was considered to be the most cost effective out of the three alternatives studied. Neither Option 2 nor Option 3 was determined to have significant impacts.

On January 26, 2000, a FONSI was signed for the slackwater harbor project. Approval of the FONSI would have allowed the USACE to construct the slackwater harbor as proposed, most likely utilizing the Option 3 location described in the EA.

The FHWA subsequently prepared an EA for construction of the land-based intermodal facilities adjacent to the slackwater harbor that was approved for public dissemination in November 2002. The FHWA planned to join their proposed Intermodal Facilities project into the already approved USACE slackwater harbor project to provide a connection to the MKARNS. Three various alternative site layouts were developed and studied in the EA, all utilizing the preferred USACE slackwater harbor location described under Option 3 in the EA completed by the USACE in 2000.

1.2.3 Court Decision and Implications for the Lead and Cooperating Agencies

1.2.3.1 Summary of Plaintiff's Concerns Raised in Court Case "City of Dardanelle vs. U.S. Corps of Engineers"

Upon completion of public review of the November 2002 FHWA EA for the proposed Intermodal Facilities, several organizations and private individuals challenged the sufficiency of the original January 2000 USACE FONSI/EA in court (Case No. 4:03-CV-00176-WRW, March 14, 2003). The Plaintiffs contended the following:

1. The proposed action is a "major federal action" and an environmental impact statement should have been prepared.
2. The USACE Little Rock District failed to give any serious consideration to the cumulative impacts of the slackwater harbor's development, which included an Intermodal Transportation System around the harbor consisting of an industrial park; warehouses with rail and truck docks; a rail car marshaling yard with a

connection to the UPRR; an interstate highway connection; a rail-truck terminal; and a truck break-bulk terminal.

The 2000 USACE EA did include analysis of impacts associated with some features necessary for intermodal facilities including loading/unloading docks, berthing facilities, utilities, and upgrading existing roads in the immediate harbor area. However, the plaintiffs contended that the information gathered in preparation of the USACE EA indicated that the harbor was only one portion of much larger planned Intermodal Facilities that should have been considered as reasonably foreseeable future actions within the potential cumulative impacts analysis. They argued that all the components of the Intermodal Facilities would occur in a relatively small geographical area, and were closely enough related to the slackwater harbor project that the USACE should have considered the impact of the entire project, not just the slackwater harbor, docks, and other minor components.

3. The USACE failed to comply with Council on Environmental Quality (CEQ) requirements regarding incomplete or unavailable information.
4. The USACE action is contrary to law in that the USACE failed to follow its own regulations requiring an Environmental Impact Statement (EIS).
5. The USACE EA failed to adequately assess various key effects of the proposed action on the human environment.
6. The USACE failed to consider all feasible alternatives and the impact of the proposed harbor on the existing privately-owned ports.

On October 10, 2003 a preliminary injunction was entered that prohibited the USACE from entering into contracts or from beginning construction on the slackwater harbor. United States District Judge William R. Wilson, Jr. granted the plaintiff's motion for Summary Judgment on August 16, 2004. The preliminary injunction entered by the court on October 14, 2003 was converted to a permanent injunction pending the completion of an EIS.

1.2.3.2 Addressing Plaintiff's Concerns Raised in Court Case "City of Dardanelle vs. U.S. Corps of Engineers"

Based on the Plaintiff's concerns raised in the USACE court case involving the slackwater harbor EA and because the Judge ruled that a permanent injunction remain in place for the construction of the slackwater harbor until an EIS was completed, it was determined by the FHWA that the 2002 FHWA EA would not be sufficient for basically the same reasons as the 2000 USACE EA. Therefore a FONSI was never issued for the 2002 FHWA EA for the Intermodal Facilities. It was determined that the scope of the FHWA environmental studies would need to be expanded to include all components necessary for the proposed Intermodal Facilities to function, including a slackwater harbor. Basically, the USACE and FHWA projects needed to be combined into one project, as they were no longer considered to have independent utility from one another.

Additionally, it was determined that the purpose and need and alternative development sections of the 2002 FHWA EA would need to be refined as part of a new NEPA study.

In response to the court case findings, the broadened scope of the project, potential controversy associated with the project, and the CEQ guidelines for implementation of NEPA, the FHWA decided to prepare an EIS for the proposed project in order to better assess the project and its associated environmental impacts.

In November 2004 the FHWA announced that they intended to prepare an EIS for the entire RVIF project, including: a slackwater harbor; an intermodal transportation system including rail, road, and river connections; supporting facilities and infrastructure; and an industrial park. It was estimated an area of approximately 800 acres in size would be required for the entire RVIF being proposed. Since the slackwater harbor was to be considered part of the FHWA Intermodal Facilities project, the USACE agreed to serve as a Cooperating Agency for the development of the RVIF EIS; however, FHWA was considered the Lead Agency. The USACE planned to adopt the FHWA EIS for their portion of the project involving the slackwater harbor.

1.2.4 DEIS

Since 2004, the FHWA, in cooperation with the Arkansas State Highway and Transportation Department (AHTD), USACE, and the Authority, has worked to refine the purpose and need, alternatives, and scope of the RVIF project. A DEIS was developed to include studies of the potential environmental impacts of the RVIF including the slackwater harbor, several intermodal transfer facilities, industrial areas, access roadways, railroads, and other infrastructure expected to be needed for fully functional intermodal facilities.

The DEIS released for public review in March 2006 included a revised purpose and need for the intermodal facilities project and a description of proposed alternatives identified using criteria based on social, environmental, and economic impacts of the proposed project. The alternatives were developed, screened, and carried forward for detailed analysis in the DEIS based on their ability to address the project purpose and need while avoiding substantial adverse impacts to known sensitive resources.

Following the public review period for the DEIS, further internal review by FHWA legal staff determined that the March 2006 DEIS needed additional information before an FEIS or Record of Decision (ROD) could be prepared.

1.2.5 SDEIS

In response to public comments and FHWA legal review of the DEIS in March 2006, the FHWA, in a joint venture with the AHTD and the Authority, prepared the SDEIS in order to incorporate additional details regarding: the purpose and need for the project; the alternatives development and screening process used to identify potential reasonable locations for placement of the RVIF project; and responses to public comments received during the 2006 DEIS review period. These details were provided in the subsequent sections of the SDEIS.

The SDEIS was a complete, stand-alone document that provided a comprehensive description of the proposed action, purpose and need for the proposed action, detailed evaluation of the alternatives, description of the affected environment and the direct, indirect, and cumulative impacts/consequences associated with implementing the proposed action.

As a separate stand-alone project, FHWA and AHTD completed an EA/FONSI for the Highway 247 (Russellville Bypass) project, which has been completed near the proposed RVIF project area. A Draft EA for the Russellville Bypass project was released for public review in January 2004, and according to the AHTD website (January 2010), a FONSI for the EA was issued November 8, 2007.

The Russellville Bypass project was considered to have independent utility from the proposed intermodal facilities project and was therefore studied separately from this project. However, as part of the cumulative impacts analysis for the Russellville Bypass EA, additional traffic anticipated to be associated with the proposed RVIF project was considered. As such, any additional impacts to Highway 247, or the residents living along the project route, as a result of the Russellville Bypass project were also considered in the SDEIS and this FEIS.

The NEPA process will continue to be applied to this project to study the potential transportation improvements in the region, as well as the potential impacts to social, environmental, and economic resources associated with the project. The USACE continues to serve as a Cooperating Agency for development of this FEIS.

1.2.6 SDEIS SUMMARY AND ORGANIZATION

The SDEIS (found online at www.rivervalleyintermodal.org/deis.htm) contained a complete, updated, and revised EIS comprised of the following:

- Executive Summary for the entire project, encompassing the entire DEIS and the information supplied in this SDEIS;
- Section 1 (Introduction) provides additional project background and history information as well as a description of what information is presented in the SDEIS;
- Section 2 (Purpose and Need) has been expanded to include support documentation and technical appendices information;
- Section 3 (Alternatives) has been expanded to include a brief description of the No Action and Action alternatives analyzed in this document, the process used for selecting the alternatives for further study, and the four alternatives (includes the No Action alternative) that were analyzed;
- Section 4 (Affected Environment and Environmental Consequences) has been expanded to include: a) detailed evaluation of an additional alternative, b) updated affected environment data, and c) expanded analysis of secondary and cumulative impacts considered for each element of the natural and built environment;

-
- Section 5 (Impacts Summary) provides a concise summary of impacts described in detail in Sections 4 and 5 of the SDEIS;
 - Section 6 (Cumulative Impact Summary) includes substantial information about resources, past actions that have contributed to trends, and reasonably foreseeable effects of the RVIF;
 - Section 7 (Mitigation Summary) suggests potential avoidance and minimization measures to address the impacts in Section 5;
 - Section 8 (Required Permits) identifies the various permits/certifications that may be required during the project development phase of the RVIF project;
 - Section 9 (Relation of Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity) examines and compares the potential short-term impacts of the project on the environment with the maintenance and enhancement of long-term environmental productivity;
 - Section 10 (Irreversible and Irrecoverable Commitment of Resources) describes the irreversible and irretrievable commitments of resources associated with the implementation of the proposed action or any of the alternatives;
 - Section 11 (Construction Impacts) details the foreseeable impacts associated with the construction of the RVIF in proximity to Russellville, Arkansas;
 - Section 12 (Acronyms) provides definitions for key abbreviations used in this SDEIS;
 - Section 13 (References) lists the documents referenced throughout the SDEIS;
 - Section 14 (List of Preparers) lists the SDEIS preparers;
 - Appendix A (Agency Coordination & Public Scoping) summarizes the coordination and consultation with federal, state, and local agencies that FHWA and the Authority has undertaken throughout the RVIF project, as well as the public participation process;
 - Appendix B (Floodplain Analysis) addresses the potential impacts of the alternatives on floodplains, as designated by the Federal Emergency Management Agency (FEMA); and,
 - Appendix C (Cultural Resources Programmatic Agreement) provides the requirements and associated work plan established to ensure that impacts to cultural resources sites are adequately addressed and mitigated.

1.2.7 FEIS SUMMARY AND ORGANIZATION

This FEIS (also found online at www.rivervalleyintermodal.org) contains: a summary of the NEPA process to date; a description of the preferred alternative and summary of other alternatives considered; revisions since the completion of the SDEIS, especially related to Phase II testing of cultural resources; a summary of the comments received on the SDEIS; and a copy of the Cultural Resources Programmatic Agreement.

Page Intentionally Left Blank